



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की

खण्ड-९] रुड़की, सनिवार, दिनांक १० मई, २००८ ई० (वैशाख २०, १९३० शक सम्वत्) [संख्या-१९

विषय-सूची

प्रत्येक भाग के पृष्ठ अलग-अलग दिये गए हैं, जिससे उनके अलग-अलग खण्ड बन सकें

| विषय | पृष्ठ संख्या | वार्षिक घन्टा |
|--|--------------|---------------|
| | | ५० |
| सम्पूर्ण गजट का मूल्य | — | ३०७५ |
| भाग १-विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस | २४३-२४७ | १६०० |
| भाग १-क-नियम, कार्य विधियाँ, आज़ाएँ, विज्ञप्तियाँ इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राज्यस्व परिषद् ने जारी किया | ९९-११८ | १६०० |
| भाग २-आज़ाएँ, विज्ञप्तियाँ, नियम और नियम विधान, जिनको केन्द्रीय सरकार और अन्य राज्यों की सरकारों ने जारी किया, हाई कोर्ट की विज्ञप्तियाँ, भारत सरकार के गजट और दूसरे राज्यों के गजटों के उद्धरण | — | ९७५ |
| भाग ३-स्वायत्त शासन विभाग का क्रोड पत्र, नगर प्रशासन, नोटिफाइड एरिया, टाउन एरिया एवं निर्वाचन (स्थानीय निकाय) तथा पंचायतीराज आदि के निर्देश जिन्हें विभिन्न आयुक्तों अथवा जिलाधिकारियों ने जारी किया | — | ९७५ |
| भाग ४-निर्देशक, शिक्षा विभाग, उत्तराखण्ड | — | ९७५ |
| भाग ५-एकाउन्टेन्ट जनरल, उत्तराखण्ड | — | ९७५ |
| भाग ६-बिल, जो भारतीय संसद में प्रस्तुत किए गए या प्रस्तुत किए जाने से पहले प्रकाशित किए गए तथा सिलेक्ट कमेटियों की रिपोर्ट | — | ९७६ |
| भाग ७-इलेक्शन कमीशन ऑफ इण्डिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियाँ | — | ९७५ |
| भाग ८-सूचना एवं अन्य वैयक्तिक विज्ञापन आदि | — | ९७५ |
| स्टोर्स पर्चेज-स्टोर्स पर्चेज विभाग का क्रोड-पत्र आदि | — | १४२५ |

भाग 1

विज्ञापित-अवकाश, नियुक्ति, स्थान-निष्पत्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस

वन एवं पर्यावरण अनुभाग-2

अधिसूचना

21 अप्रैल, 2008 ई०

संख्या 1653/X-2-2008-8(34)/2001-वन्य जीवन (संरक्षण) अधिनियम, 1972 (अधिनियम संख्या 53, सन् 1972) की धारा 8 से 8, संपठित वन्य जीव (संरक्षण) अधिनियम (संशोधन), 2002 तथा उत्तरांचल [उत्तर प्रदेश वन्य जीव (संरक्षण) नियमावली, 1974] अनुकूलन एवं उपान्तरण आदेश, 2002 की धारा 6 के प्राविधानों के अधीन प्रदत्त शक्ति का प्रयोग करते हुए श्री राज्यपाल, उत्तराखण्ड राज्य के वन्य जीवों के संरक्षण, परिरक्षण तथा उससे सम्बद्ध मामलों पर प्रदेश सरकार को सलाह देने के प्रयोजन हेतु राज्य वन्य जीव सलाहकार परिषद् (State Wildlife Advisory Board) का गठन, इस अधिसूचना के जारी होने के दिनांक से दो वर्ष के लिए निम्नवत् करते हैं :-

| | |
|---|------------|
| 1. मा० मुख्यमंत्री, उत्तराखण्ड | अध्यक्ष |
| 2. मा० वन, वन्य जन्तु एवं पर्यावरण मंत्री, उत्तराखण्ड | उपाध्यक्ष |
| 3. श्री कंदार सिंह फोनिया, मा० विधायक (जोशीमठ) | सदस्य |
| 4. श्री दीवान सिंह बिष्ट, मा० विधायक (रामनगर) | सदस्य |
| 5. श्री सुरेन्द्र सिंह जीना, मा० विधायक (गिकियासैण) | सदस्य |
| 6. सचिव, वन एवं पर्यावरण, उत्तराखण्ड शासन | सदस्य |
| 7. सचिव, जनजातीय कल्याण, उत्तराखण्ड शासन | सदस्य |
| 8. प्रमुख वन संरक्षक, उत्तराखण्ड, देहरादून | सदस्य |
| 9. प्रबन्ध निदेशक, राज्य पर्यटन विकास परिषद्, देहरादून | सदस्य |
| 10. पुलिस महानिदेशक, देहरादून/पुलिस विभाग द्वारा नामित अधिकारी जो महानिरीक्षक स्तर से कम न हो | सदस्य |
| 11. केन्द्र सरकार द्वारा नामित आर्म्ड फोर्सों का प्रतिनिधि जो बिस्केडियर रैंक से कम न हो | सदस्य |
| 12. निदेशक, पशु पालन विभाग, देहरादून, उत्तराखण्ड | सदस्य |
| 13. निदेशक, मत्स्य पालन विभाग, देहरादून, उत्तराखण्ड | सदस्य |
| 14. निदेशक, वन्य जीव संरक्षण संगठन द्वारा नामित अधिकारी | सदस्य |
| 15. भारतीय वन्य जीव संस्थान, देहरादून द्वारा नामित प्रतिनिधि | सदस्य |
| 16. बोटनीकल सर्वे ऑफ इण्डिया के प्रतिनिधि | सदस्य |
| 17. जूलोजीकल सर्वे ऑफ इण्डिया के प्रतिनिधि | सदस्य |
| 18. मुख्य वन्य जीव प्रतिपालक, उत्तराखण्ड | सदस्य-सचिव |
| 19. श्री ए०एस० नेगी, प्रतिनिधि, ऑपरेशन आइ ऑफ दि टाईगर, देहरादून | सदस्य |
| 20. श्री राजेन्द्र अग्रवाल, वाइल्ड लाइफ प्रोटेक्शन सोसाइटी ऑफ इण्डिया, हरिद्वार | सदस्य |
| 21. स्वयंसेवी संस्था मैत्री, जोशीमठ, चमोली के सचिव | सदस्य |
| 22. श्री मोहन राम आर्य "एडवोकेट", सोमेश्वर, अल्मोडा | सदस्य |
| 23. श्री जोगेश्वर प्रसाद, धूमाकोट, पीड़ी गढ़वाल | सदस्य |
| 24. श्री हज्जवर्धन वर्मा, बी 1/1483, बसन्त कुंज, नई दिल्ली | सदस्य |
| 25. श्री दिवाकर भट्ट, पत्रकार, अमर उजाला, हल्द्वानी | सदस्य |
| 26. श्री प्रमोद कुमार, मन्दपुर नरका टोपा, बाजपुर, ऊधमसिंह नगर | सदस्य |
| 27. सुश्री कैरन हिल्टन, मा० विधायक, देहरादून | सदस्य |
| 28. डा० जी०एस० रावत, भारतीय वन्य जीव संस्थान, चन्द्रवनी, देहरादून | सदस्य। |

2-उक्त परिषद् निम्नलिखित मामलों/कार्यों के सम्बन्ध में उत्तराखण्ड सरकार को सलाह दे सकेंगी :-

1. राष्ट्रीय उद्यानों (National Parks), वन्य जीव विहारों (Wildlife Sanctuaries) एवं संरक्षित क्षेत्रों (Protected Areas) की घोषणा किए जाने के सन्दर्भ में वन क्षेत्रों का चिन्हांकन व ऐसे क्षेत्रों की व्यवस्था के सम्बन्ध में,
2. वन्य जीव (संरक्षण) अधिनियम, 1972 (यथा संशोधित वर्ष 1991 एवं वर्ष 2002) के अन्तर्गत जारी किए जाने वाले ~~अनुसूचि~~ ~~य~~ ~~अनुसूचि~~ पत्रों सम्बन्धी निर्धारण के सम्बन्ध में,
3. वन्य जीव (संरक्षण) अधिनियम, 1972 (यथा संशोधित वर्ष 1991 एवं वर्ष 2002) की अनुसूचियों में संशोधन की अपेक्षा के सम्बन्ध में,
4. वन्य जीव परिरक्षण से सम्बन्धित ऐसे किसी भी मामले में, जिसमें राज्य सरकार द्वारा सलाह की अपेक्षा की जाय,

3-परिषद् की बैठक वर्ष में कम से कम दो बार ऐसे स्थान पर आयोजित होगी, जैसा कि राज्य सरकार द्वारा विनिश्चित किया जाय।

4-परिषद् अपनी कार्य संचालन प्रक्रिया तथा कोरम स्वयं निर्धारित/विनियमित करेगी।

5-परिषद् के सदस्यों का कार्यकाल उनकी नियुक्ति के दिनांक से दो वर्ष का होगा।

6-परिषद् के सरकारी/गैर-सरकारी सदस्यों द्वारा बैठकों में सम्मिलित होने के लिए की जानी वाली यात्राओं हेतु देय दैनिक यात्रा भत्ता इत्यादि के सम्बन्ध में आदेश पृथक से जारी किए जायेंगे।

आज्ञा की,

सुब्रत विश्वास,
सचिव।

लोक निर्माण अनुभाग-1

कार्यालय ज्ञाप

23 अप्रैल, 2008 ई०

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संख्या 1056/III(1)/08-09(अधि०)/05 टी०सी०-1-कार्यभार ग्रहण करने की तिथि से श्री पी०एन० टिक्कू, मुख्य अभियन्ता स्तर-2, लोक निर्माण विभाग, पौड़ी को मुख्य अभियन्ता, स्तर-1 के पद पर पदोन्नत करने का सं० 18400-22400 पर कार्मिक विभाग, उत्तराखण्ड शासन के शासनादेश संख्या 1478/XXX(2)/2004, दिनांक 15-09-2004 में यथा उल्लिखित प्रतिबंधों के तहत नियमित चयनोपरान्त अनन्तिम रूप से पदोन्नत करने की श्री राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

यह अनन्तिम पदोन्नति कार्मिक विभाग, उत्तराखण्ड शासन के शासनादेश संख्या 1478/XXX(2)/2004, दिनांक 15-09-2004, शासनादेश संख्या 1178/XXX(2)/2005, दिनांक 10-05-05 एवं शासनादेश संख्या 1408/XXX(2)/2007, दिनांक 07-08-07 में दिए गए निर्देशों के अधीन की जा रही है, जो नितान्त अस्थाई है, बिना किसी पूर्व सूचना के समाप्त की जा सकती है, एवं उत्तर प्रदेश व उत्तराखण्ड के मध्य कार्मिकों के अन्तिम आवंटन तथा इस संबंध में मा० न्यायालयों में लम्बित रिट याचिकाओं में पारित होने वाले निर्णयों के अधीन रहे।

मुख्य अभियन्ता स्तर-1 के पद पर पदोन्नत श्री पी०एन० टिक्कू, उत्तर प्रदेश अभियन्ता सेवा (लोक निर्माण विभाग) (उच्चतर) नियमावली, 1990 के भाग 5 के नियम 10(1)(दो) के अधीन छः माह की परीवीक्षा पर रहेंगे।

श्री टिक्कू द्वारा शासन के अग्रिम आदेशों तक अपने पद के साथ-साथ मुख्य अभियन्ता स्तर-2, लो०नि०वि०, पौड़ी के कार्यों का भी निर्वहन पूर्व की भांति किया जायेगा। इस हेतु श्री टिक्कू को कोई भी अतिरिक्त वेतन एवं भत्ते देय नहीं होंगे।

आज्ञा संसिह,

उत्पल कुमार सिंह,
सचिव।

चिकित्सा अनुभाग-3

अधिसूचना

25 अप्रैल, 2008 ई०

संख्या 433/चि०-3-2008-567/2001 टी०सी०-जन्म और मृत्यु पंजीकरण अधिनियम, 1969 (केन्द्रीय अधिनियम 18, 1969) की धारा 10 की उपधारा (1) के खण्ड (ग) के अधीन धारा 30 में प्रदत्त शक्ति का प्रयोग करते हुए राज्य सरकार अधिनियम की धारा 30 की उपधारा (2) (ग) के अधीन उत्तराखण्ड जन्म मृत्यु पंजीकरण नियमावली, 2003 के उपनियम 5(1) में अंगीकृत पंजीकरण प्रपत्रों में निम्नलिखित कर्मचारियों को यह कर्तव्य प्रदान करती है कि वह प्रत्येक ऐसे जन्म या मृत्यु या दोनों की, जिसमें उसने परिचर्या की हो या वह खुद उपस्थित था या जो ऐसे क्षेत्र में, जैसा कि विहित किया जाये, सूचना स्थानीय रजिस्ट्रार को इतने समय के भीतर और ऐसी रीति से देगा, जैसा कि उत्तराखण्ड जन्म मृत्यु पंजीकरण नियमावली, 2003 के उपनियम 5(3) में उससे अपेक्षा की गई है :-

1. ए०एन०एम०,
2. दाई,
3. आंगनवाड़ी कार्यकर्त्री,
4. आशा,
5. प्राथमिक विद्यालयों के प्रधानाध्यापक,
6. स्वास्थ्य कार्यकर्ता,

2- उत्तराखण्ड जन्म मृत्यु पंजीकरण नियमावली, 2003 के अन्य शेष सभी प्राविधान यथावत् रहेंगे।

आज्ञा से,

मनीषा पंवार,
सचिव।

नियोजन विभाग

कार्यालय ज्ञाप

07 मई, 2008 ई०

संख्या 72/XXVI/दो(9)/2004-नियोजन विभाग की विज्ञप्ति/नियुक्ति संख्या-74/XXVI दो/2007, दिनांक 7-8-07 तथा 115/XXVI/दो(9)/2004, दिनांक 17-10-07 द्वारा लोक सेवा आयोग से चयनित 13 परिवीक्षाधीन अर्थ एवं सख्याधिकारियों की तैनाती निम्नवत् उनके नाम के सम्मुख स्थान पर किये जाने की महामहिम राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं :-

| क्र०सं० | नाम | तैनाती का स्थान |
|---------|-------------------------|---|
| 1. | श्रीमती गीताजलि शर्मा | अर्थ एवं सख्या निदेशालय |
| 2. | श्री मनीष राणा | अर्थ एवं सख्या निदेशालय |
| 3. | श्रीमती रश्मि हलधर | अर्थ एवं सख्या निदेशालय |
| 4. | श्री त्रिलोक सिंह अन्ना | अर्थ एवं सख्या निदेशालय |
| 5. | कु० चित्रा | मण्डलीय कार्यालय, पौड़ी |
| 6. | श्रीमती इला पन्त विष्ट | मण्डलीय कार्यालय, कुमायूँ (हल्द्वानी) |
| 7. | श्री निर्मल कुमार शाह | जिला अर्थ एवं सख्या कार्यालय, रुद्रप्रयाग |
| 8. | श्री ललित चन्द्र आर्या | जिला अर्थ एवं सख्या कार्यालय, पिथौरागढ़ |
| 9. | श्री राजेन्द्र तिवारी | समाज कल्याण निदेशालय, हल्द्वानी |
| 10. | श्री अमित वर्मा | वित्त विभाग, उत्तराखण्ड शासन |

समाज कल्याण विभाग तथा वित्त विभाग के विभागीय संगठनात्मक ढांचे में अर्थ एवं संख्याधिकारी का पद अभी तक सृजित नहीं किया गया है। अतएव इन विभागों में नियुक्त किये जा रहे अर्थ एवं संख्याधिकारियों का वेतन पूर्व की भांति अर्थ एवं संख्या निदेशालय, देहरादून द्वारा ही आहरित किया जायेगा।

उक्त समस्त अर्थ एवं संख्याधिकारियों को निर्देशित किया जाता है कि वे बिना प्रतिस्थानी की प्रतीक्षा किये संबंधित कार्यालय में तत्काल कार्यभार ग्रहण करना सुनिश्चित करें।

आज्ञा से,

राधा रतूड़ी,
सचिव।

सामान्य प्रशासन विभाग

कार्यालय ज्ञाप

28 अप्रैल, 2008 ई०

संख्या 78/xxxi(13)G/05-2(1)/2005-सामान्य प्रशासन विभाग के कार्यालय ज्ञाप संख्या 858/xxxi(13)G/05-2(1)/2005, दिनांक 01 नवम्बर, 2007, जिसके द्वारा उत्तराखण्ड राज्य की राजधानी हेतु उपयुक्त स्थान के चयन के सम्बन्ध में गठित एकल सदस्यीय चयन आयोग का कार्यकाल 01-11-2007 से 30-04-2008 तक बढ़ाया गया था, के क्रम में श्री राज्यपाल महोदय उक्त कार्यालय ज्ञाप में इंगित शर्तों के अधीन आयोग का कार्यकाल दिनांक 01-05-2008 से दिनांक 31-07-2008 तक पुनः बढ़ाये जाने की स्वीकृति प्रदान करते हैं।

आज्ञा से,

भास्करानन्द,
अपर सचिव।



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक १० मई, २००८ ई० (बैशाख २०, १९३० शक सम्वत्)

भाग १-क

नियम, कार्य-विधियाँ, आज्ञाएँ, विज्ञापित इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया

Uttarakhand Electricity Regulatory Commission

Institution of Engineers (I) Building, 1st Floor, Near ISBT, Majra, Dehradun

NOTIFICATION

April 30, 2008

No.F-9(21)/RG/UERC/2008/145--In exercise of powers conferred under section 181 of the Electricity Act, 2003, and all other powers enabling it in this behalf, and after previous publication, the Uttarakhand Electricity Regulatory Commission hereby makes the following regulations, namely :-

CHAPTER-1

PRELIMINARY

1. Short title and commencement--

- (1) These regulations may be called the Uttarakhand Electricity Regulatory Commission (Tariff and Other Terms for Supply of Electricity from Non-conventional and Renewable Energy Sources) Regulations, 2008.
- (2) These regulations shall come into force with effect from 01.04.2008 and unless reviewed earlier or extended by the Commission, shall remain in force upto 31.03.2012 provided that till they are replaced by new regulations, these shall continue to apply.
- (3) With coming into force of these Regulations, UERC (Terms and Conditions for Determination of Tariff for Bagasse Based Co-generation Projects) Regulations, 2007 shall stand repealed and the Orders on Approach to Determination of Tariff for Small Hydro Power Projects with Capacity upto 1 MW (including the amendment Regulation dated 18.05.2007) and New SHPs above 1 MW and upto 25 MW dated 10.11.2005 shall stand superceded/repealed.
- (4) Words and expressions used in these regulations and not defined herein but defined in the Act shall have the meaning assigned to them under the Act.

2. Object--

- (1) Electricity generation from biomass/ bagasse based cogeneration, renewable sources of energy viz. wind, hydro, solar and other non-conventional sources of energy like biogas, municipal waste & industrial wastes is gradually acquiring importance in augmenting the generation capacity. Apart from providing generation capacity in addition to the traditional sources of power, these sources are also environment friendly.

- (2) These regulations seek to achieve promotion of generation from these sources, facilitate connectivity of these generating plants with the grid and to ensure sale of electricity to any person and to specify a percentage of the total electricity generating capacity that shall be purchased by distribution licensee of the area in which the plant is located. Besides above, these regulations also seek to operate the plant in an efficient, safe and well-coordinated manner ensuring exchange of information among the various utilities interacting in the State grid as well as with the central utilities and Northern Regional Grid, as the case may be. Noncompliance of these regulations shall be liable for action under the appropriate provision of the Act.
- (3) The National Electricity Policy of the Central Government in respect to promotion of non-conventional energy sources as envisaged in Para 5.2.20 is 'Feasible potential of non-conventional energy resources, mainly small hydro, wind and bio-mass would also need to be exploited fully to create additional power generation capacity. With a view to increase the overall share of non-conventional energy sources in the electricity mix, efforts will be made to encourage private sector participation through suitable promotional measures.'

3. Scope and extent of application—

- (1) Where tariff has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government, the Commission shall adopt such tariff in accordance with the provisions of the Act.
- (2) These regulations shall apply in all other cases where tariff and other terms for supply of electricity to the Distribution Licensee from generating stations, which are based on non-conventional and renewable sources of energy and are located in Uttarakhand, is to be determined by the Commission :

Provided that regulations in Chapter 4 shall not be applicable for generating stations commissioned before 1.1.2002 and their present tariffs shall continue to be applicable till they are decided by the Commission on case to case basis :

Provided further that the cases, where legally valid PPAs have been entered into with the Distribution Licensee or where financial closure of the project has taken place prior to coming into force of these regulations on the basis of previous Regulations/Orders of the Commission, shall not be re-opened. Such generators shall, however, have the option to be covered under these regulations, in which case these regulations shall be applicable to them in entirety and their PPAs, if any, will have to be suitably revised. This option has to be given to the licensee latest by 30.09.2008 and the option once exercised shall not be revocable :

Provided further that in respect of generating stations where directions have been issued by a higher court, they shall be governed by their respective directions :

Provided further that generators covered under previous PPAs/regulations/orders and directions in second and third proviso respectively shall be governed by these regulations to the extent these regulations are not inconsistent with those provisions/directions and in case of any conflict the provisions of these regulations shall not be applicable :

- (3) These regulations, except those in Chapter 4, shall also be applicable to other generating stations, which are based on non-conventional and renewable sources of energy which transmit and/or supply electricity utilising State Transmission and/or Distribution System.
- (4) The generating stations covered under these regulations shall be deemed to be the generating station of a generating company and all functions, obligations & duties assigned to such generating stations under the Act shall apply to these power stations.

4. Definitions--

Unless context otherwise requires, the words used in these Regulations shall have the following respective meanings --

- (1) "Act" means the Electricity Act, 2003 (36 of 2003).
- (2) "Appropriate Commission" means the Central Regulatory Commission referred to in sub-section (1) of section 76 of the Act or the State Regulatory Commission referred to in section 82 of the Act or the Joint Commission referred to in section 83 of the Act, as the case may be,
- (3) "Authority" means the Central Electricity Authority referred to in sub-section (1) of section 70 of the Act,

- (4) "Banking" means the process under which a generating plant supplies power to the grid not with the intention of selling it to either a third party or to a licensee, but with the intention of exercising his eligibility to draw back this power from the grid;
- (5) "Capital Cost" means the actual expenditure incurred by the generating company, as per the original scope of project up to first financial year closing after one year of the date of commercial operation of the last unit, including the cost of transmission, bay and connection/metering/other equipment at receiver's end;
- (6) "Captive Generating Plant" means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any cooperative society or association of persons for generating electricity primarily for use of members of such cooperative society or association;
- (7) "Co-generation" means a process which simultaneously produces two or more forms of useful energy (including electricity);
- (8) "Central Commission" means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
- (9) "Central Transmission Utility" means any Government company which the Central Government may notify under sub-section (1) of section 38 of the Act;
- (10) "Company" means a company formed and registered under the Companies Act, 1956 and includes any body corporate under a Central, State or Provincial Act;
- (11) "Commission" means the Uttarakhand Electricity Regulatory Commission;
- (12) "Dedicated Transmission Lines" means any electric supply-line for point to point transmission which are required for the purpose of connecting electric lines or electric plants of a captive generating plant referred to in section 9 of the Act or generating station referred to in section 10 of the Act to any transmission lines or sub-stations or generating stations or the load centre, as the case may be;
- (13) "Distribution Licensee" means a Licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (14) "Date of commercial operation or Commissioning" in relation to a unit means the date declared by the generator on achieving maximum continuous rating through a successful trial run and in relation to the generating station, the date of commercial operation means the date of commercial operation of the last unit or block of generating station and expression 'commissioning' shall be construed accordingly;
- (15) "Generating company" means any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, which owns or operates or maintains a generating station;
- (16) "Generating Station" or "Station" means any station for generating electricity, including any building and plant with step up transformer switchgear, switchyard cables or other appurtenant equipment, if any, used for that purpose and the site thereof; a site intended to be used for a generating station and any building used for housing the operating staff, of a generating station but does not in any case include any sub-station;
- (17) "Generate" means to produce electricity from a generating station for the purpose of giving supply to any premises or enabling a supply to be so given;
- (18) "Grid Code" means the Grid Code specified by the Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act;
- (19) "Grid" means the high voltage backbone system of interconnected transmission lines, sub-stations and generating plants;
- (20) "Infirm Power" means electricity generated prior to commercial operation of the unit of a generating station;
- (21) "Installed Capacity" or "IC" means the summation of the name plate capacities of the units in the generating station or the capacity of the generating station (reckoned at the generator terminals);
- (22) "National Electricity Plan" means the National Electricity Plan notified under sub-section (4) of section 3 of the Act;

- (23) "Open Access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the regulations specified by the Appropriate Commission;
- (24) "Open Access Regulations" means the Uttarakhand Electricity Regulatory Commission (Terms and Conditions for Open Access in Distribution) Regulations, 2004 as amended from time to time;
- (25) "Operation and Maintenance Expenses" or "O&M Expenses" means the expenditure incurred in operation and maintenance of the generating station, including part thereof, including the expenditure on manpower, repairs, spares, consumables, insurance and overheads;
- (26) "Peak Hours/Off Peak Hours" means the hours decided as such by Uttarakhand Electricity Regulatory Commission from time to time unless specified otherwise by the Commission;
- (27) "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- (28) "Plant Load Factor" shall mean the total sent out energy corresponding to generation during the period expressed as a percentage of sent out energy corresponding to installed capacity in that period—

$$PLF = \frac{ESO \times 10^7}{IC \times (100 - AUX) \times 8760} \%$$

Where,

ESO- Energy Sent Out Ex-bus and sold in MU during the year,

IC- Installed capacity in MW,

AUX - % Normative Auxiliary Consumption (viz. 8.5 for Cogeneration);

- (29) "Power Purchase Agreement or PPA" means an agreement between a generating company and a distribution licensee for supply of power on the terms and conditions specified therein and with the provision that the tariff for sale of power shall be as determined by the Commission from time to time;
- (30) "Regional Load Despatch Centre" means the Centre established under sub-section (1) of section 27 of the Act;
- (31) "Regulations" means these regulations made under the Act;
- (32) "Renewable Energy Source" means sources of energy like, wind, solar, small hydro, biogas, biomass/bagasse, agro-based fuels or any other source as defined by the Ministry of Non-conventional Energy Sources (MNES) that can be used for power generation;
- (33) "Rules" means rules made under the Act;
- (34) "Saleable Energy" means the quantum of energy available for sale (ex-bus) after allowing for free energy to the home State;
- (35) "Specified" means specified by regulations made by the Appropriate Commission or the Authority, as the case may be, under the Act;
- (36) "State Grid Code" means the Uttarakhand Electricity Regulatory Commission (State Grid Code) Regulations, 2007 specified under clause (h) of subsection (1) of section 86 of the Act by Uttarakhand Electricity Regulatory Commission;
- (37) "State Load Dispatch Centre" means the centre established in Uttarakhand under sub-section (1) of section 31 of the Act;
- (38) "State Transmission Utility" means the Board or the Government Company specified as such by the State Government under sub-section (1) of section 39 of the Act;
- (39) "Sub-station" means a station for transforming or converting electricity for the transmission or distribution thereof and includes transformers, converters, switchgears, capacitors, synchronous condensers, structures, cable and other appurtenant equipment and any buildings used for that purpose and the site thereof;
- (40) "Trading" means purchase of electricity for resale thereof and the expression "trade" shall be construed accordingly;

- (41) "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined by the Commission under section 62 of the Act.
- (42) "Year" means a financial year.

CHAPTER 2 GENERAL CONDITIONS

5. Qualifying Requirements for Eligible Sources--

- (1) For the purposes of these Regulations, generation from all types of non-conventional and renewable energy sources, which shall be termed as Eligible Sources, as approved by Ministry of New and Renewable Energy Sources (MNRE), Government of India shall be considered, which shall be collectively referred to as Renewable Energy (RE) Sources/Projects.
- (2) For eligibility under these Regulations, only generation from grid connected RE generation projects shall be considered and RE generation from 'off-grid' generation projects or stand-alone system shall not be considered.
- (3) At present, generation from following sources and technologies shall qualify to be covered under these Regulations :-
 - Small hydro with capacity upto 25 MW,
 - Wind,
 - Solar including its integration with combined cycle,
 - Biomass/Biogas,
 - Bio fuel cogeneration with upto 25% fossil fuel consumption as per MNRE guidelines,
 - Urban/municipal waste.
- (4) Any new source or technology would qualify as 'renewable energy', only after the Commission has approved the technology based on the MNRE approval. Further, the Commission shall determine tariff separately for each technology.

6. Generation from Co-generation, Renewable Energy and Other Non-conventional Sources of Energy--

- (1) A person may construct, maintain or operate a generating station for generation of electricity from Co-generation or Renewable Sources of energy and other non-conventional sources of energy (hereinafter called 'the Plant') and a transmission line for carrying electricity from his plant to the point of connectivity with the grid or a sub-station of a distribution licensee.
- (2) The Plant shall be deemed to be a generating station of a generating company within the meaning of section 7 of the Act which shall establish, operate and maintain a generating station without obtaining a license under the Act if it complies with the standards specified by the authority under section 53 and section 73 of the Act. However, for hydroelectric generation, the provisions of section 8 of the electricity Act, 2003 shall apply.

7. Environmental and other Clearances--

- (1) The generating plant shall abide by the emission standards set by the Union/State Government, as the case may be, and for that purpose it shall obtain all the required environmental and pollution clearances from the central/state pollution control authorities.
- (2) The generating plant shall obtain necessary clearances from Uttarakhand Renewable Energy Development Agency (UREDA), wherever necessary.

8. Obligations of the Generating Plant--

- (1) The capacity of Generating plant shall be determined by the generating company in the detailed project report in view of potential of electricity generation available with such source and its optimal utilisation.
- (2) Any person having setup or intending to setup a generating plant, on which these regulations shall apply, shall be obliged to submit the detailed project report, progress of construction and details regarding commissioning of the generating plant or any related information to the Commission in such form and manner as may be required by the Commission.

- 3) The generating plant shall abide by the grid discipline and install adequate protection equipment for safety of its system and human life. It shall not be entitled for any compensation in the event of grid failure or any interruptions or damage to the plant or its associated sub-station and transmission line on account of any occurrence in the grid.
- 4) The generating plant shall establish, operate and maintain generating station, sub-station and dedicated transmission lines connected therewith in accordance with--
 - a) the technical standards for construction of electrical plants, electric lines and connectivity with the grid as specified by the Authority
 - b) safety requirements for construction, operation and maintenance of electrical plants and electric lines as specified by the Authority
 - c) grid standards for operation and maintenance of transmission lines as specified by Central Electricity Regulatory Commission/Central Electricity Authority or the State Transmission Utility
 - d) the conditions for installation of meters for supply of electricity as specified by the Authority or the State Transmission Utility
- 5) The generating plant shall enter into a power purchase agreement with the distribution licensee of the area in which the plant is located for a period of at least 20 years from the date of its commissioning in line with the Model Power Purchase Agreement. The parties to the agreement may make paid site specific changes in the Model PPA not inconsistent with the Act, these Regulations and other relevant Regulation. Such changes shall however be subject to approval of the Commission.

Provided that the distribution licensee shall propose and get the Model PPA approved by the Commission within a period of 3 months from the date of notification of these Regulations.
- 6) Except as provided in Third Proviso to Sub regulation (8) of Regulation 3 above all power purchase agreements signed by the plants existing on the date of notification of these regulations shall be renewed to remove any inconsistencies with these regulations and such renewed PPAs shall be valid for at least 10-20 years from the year of commissioning of such plants.
- 7) The distribution licensee shall make an application for approval of power purchase agreement entered into with the generating station in such form and such manner as prescribed in these Regulations and Uttarakhand Electricity Regulatory Commission Conduct of Business Regulations 2004 as amended by the Commission from time to time.
- 8) The generating plant's obligations under these regulations shall ensure efficient use of resources, good performance and optimum investment.
- 9) The generating plant shall endeavor to achieve the operational parameters as applicable to a particular source of energy such as but not limited to, specific heat rate, fuel consumption, capacity availability and plant load factor. The case of a cogeneration plant as may be determined by the Commission from time to time to fix the specific heat rate for conventional and renewable source of energy.

9. Duties of the Generating Plant--

(1) The generating plant shall--

- a) submit the technical data showing the generating plant transmission, as may be specified by the Authority for carrying out studies relating to cost and efficiency
- b) submit the information to the Commission in respect of generation, demand, net load availability, plant load factor, auxiliary consumption, specific heat rate and specific consumption and any other information which may be directed by the Commission latest by 31st June each year for previous financial year
- (c) Co-ordinate with State Load Dispatch Centre in respect to--
 - i) optimum scheduling and dispatch of electricity with the State and outside the State as per the scheme to be made by SLDC as per provisions of Grid Code and State Grid Code
 - ii) exchange of data on hourly electricity transfer through the grid
 - iii) real time grid operation and dispatch of electricity in accordance with Grid Code and State Grid Code
 - iv) establish a communication and data transfer system with State Load Dispatch Centre

2. The generating plant shall pay fee and charges payable to State Load Dispatch Centre as may be specified or directed by the Commission from time to time
3. The generating plant shall be under obligation to comply with the directions issued to it by the State Load Dispatch Centre failing which the plant shall be liable to a penalty not exceeding Rs. 5 lacs for each such instance
4. In case of dispute with reference to quality of electricity or safe, secure and integrated operation of the grid or in relation to any direction issued by the State Load Dispatch Centre, the matter shall be referred to the Commission for adjudication
5. The generating plant shall ensure the compliance of the Grid Code and State Grid Code as amended from time to time
6. The generating plant shall not be required to obtain transmission license under the Act for establishing operating or maintaining a dedicated transmission line and shall have to comply with the following:
 - (a) Grid code and standards of grid connectivity
 - (b) Technical standards for construction of electrical lines
 - (c) System of operation of such a dedicated transmission line as per the norms of system operation of the concerned State Load Dispatch Centre (SLDC) or Regional Load Dispatch Centre (RLDC)
7. The generating plant shall ensure compliance of any general or specific direction issued and rules or regulations made by the Commission for the generating companies
8. The generating plant shall ensure compliance of Availability Based Tariff (ABT) guidelines as may be notified by the Commission and perform all functions, obligations and duties assigned to a generating company in such guidelines
9. The generating plant shall co-ordinate with State Transmission Utility for the purpose of planning and maintaining a reliable state transmission system as provided under the Act

10. Sale of Power-

1. A Co-generation, Renewable Source of Energy and Other Non-conventional Energy Sources based plants shall be allowed to sell power over and above the capacity required for their own use, to the Distribution licensee at the rates specified in these regulations or to local rural grids or to any consumer within the State, provided that consumer has been allowed Open Access under Open Access Regulations, or to any other third party outside the State
2. Tariff for sale to Distribution licensee shall be as determined in Chapter 4 on Tariff of these Regulations
3. The Distribution licensee on an offer made by the said plants for entering into a power purchase agreement in conformity with these Regulations and relevant provisions of other Regulations and the Act, the same shall be signed by such licensee within two months failing which the generating company may approach the Commission for suitable remedy
4. The Distribution Licensee shall purchase such capacity through competitive bidding process as and when notified by the Commission
5. Notwithstanding any other provisions of these regulations, a Distribution licensee may require emergency assistance following an extensive failure in the system. Subject to technical feasibility, the Generating Plant may on a request from the licensee, extend power supply from its generating station to the licensee's system

11. Open Access--

- 1) A person who has constructed the Plant shall have right to open access for carrying electricity from his plant by using transmission lines or distribution system or associated facilities with such lines or system and for that matter rules or regulations notified by the Commission in this regard shall apply on the plant

Provided that the open access shall be subject to the availability of transmission and distribution capacity as determined by State Transmission Utility and/or the Central Transmission Utility as the case may be

Provided also that in case of inter state transmission the rules or regulations made by the Central Electricity Regulatory Commission shall apply

Provided further that if any question arises as to the availability of surplus transmission and distribution capacity the matter shall be decided and adjudicated by the Appropriate Commission

- 2) The plant seeking open access shall approach the State Transmission Utility and/or Central Transmission Utility and/or Intervening Transmission Licensee and/or Distribution Licensee who shall determine and allow non-discriminatory open access subject to availability of transmission wheeling capacity and other operational constraints

CHAPTER 3**RENEWABLE PURCHASE OBLIGATION (RPO)****12. Eligible Persons--**

- 1) The minimum percentage as specified under these regulations shall be applicable to all existing and future distribution licensees in this State who shall be referred to as Eligible Persons

13. RPO Percentage Specification--

- (1) Every Eligible Person will have to procure electricity generated from eligible renewable energy sources at the percentages specified below --

| Year | Renewable Purchase Obligation (RPO)* |
|---------|--------------------------------------|
| 2007-08 | 5% |
| 2008-09 | 5% |
| 2009-10 | 8% |
| 2010-11 | 9% |
| 2011-12 | 10% |

- 2) The Commission may on a subsequent date fix a maximum ceiling of percentage purchase from renewable sources in view of its expediency to do so to limit impact of mandatory purchase of renewables on consumer tariff
- 3) While contracting new sources in case of maximum ceiling being specified by Commission priority shall be given to the date of commercial operation of the generating stations
- 4) The Commission may review the quantum of purchase from renewable sources by a distribution licensee once in every 5 years or at lesser intervals as may be necessary
- 5) For the purpose of this RPO framework for every Distribution Licensee total consumption in its area of supply would mean energy purchased by the distribution licensee from all sources for the purpose of supply within its area of supply including quantum of energy supplied to open access and captive consumers by the licensee

* Percentage RPO as stipulated above denotes Minimum Quantum of purchase from co-generation and generation of electricity from renewable energy sources

14. Balanced growth of all types of RE sources—

1. There shall not be any specific percentage either minimum or maximum for any particular source or technology in total percentage. However, the Commission may at a later stage incorporate the same after considering the actual growth of each source or any other influencing factor.
2. UREDA shall take all possible steps to ensure that renewable energy based projects are taken up in the State and the Distribution Licensees shall ensure uptake from such projects until a maximum percentage is specified by the Commission.

15. Methodology for Application of RPO—

1. For the purpose of RPO for every Distribution Licensee, total consumption in its area of supply would mean energy purchased by the distribution licensee from all sources for the purpose of supply within its area of supply.
2. The RPO shall be applicable on the gross energy units purchased by the Distribution Licensees for supplying power to the retail consumers, excluding any inter-se sale of electricity amongst the Licensees or outside consumers.
3. Each Distribution Licensee shall indicate the proposed quantum of purchase from renewable sources of energy for the ensuing year in the ARR filing for each year. The proposed quantum of purchase shall be as per these regulations.
4. While indicating the proposed quantum of purchase from co-generation and generation of electricity from renewable sources of energy, the Distribution Licensee shall indicate the sources from which it plans to purchase the specified quantum of purchase. The Distribution Licensee shall source the proposed quantum of electricity from renewable sources of energy within its area of supply to the extent possible. In a situation where the Distribution Licensee is unable to purchase the required quantum within its area of supply, the Distribution Licensee may purchase the quantum from sources outside the Licensee's area of supply but within the State, by way of own generation or procurement of power from RE developer or by way of purchase from other licensee, provided such Licensee has procured renewable energy in excess of its minimum percentage requirement as per applicable RPO.
5. The Commission may relax or waive the above minimum targets for the year subject to supply constraints or any other uncontrollable factors upon request by concerned Eligible Person, which is acceptable in the opinion of the Commission.

16. Enforcement—

1. The Eligible Persons will have to comply with their RPO obligations as stipulated in these regulations. Shortfall in RE procurement by Eligible Persons shall be treated as non-compliance and shall attract appropriate action as per appropriate provisions of E.A. 2003.
2. UREDA shall report such incidence of failure to comply by Eligible Persons to the Commission.

CHAPTER 4**TARIFF****17. Applicability of Tariff—**

1. The tariff as determined in these Regulations is applicable for sale of electricity by a generating station to the Distribution Licensee of the State. The revised tariff for supply of electricity by the Eligible Source to a distribution licensee shall be as per Schedule 1 of these Regulations.
2. The tariff is single part (in Rs./kWh) and ex-bus, i.e. after auxiliary consumption and transformation losses at the outgoing bus bar of generating switch yard (i.e. outgoing bus bar from the sub-station at generating station end of the evacuation line).
3. The tariff has been determined separately for each kind of renewable source and for each type of renewable technology specified in these regulations.
4. Tariff for other non-conventional and renewable sources and/or technologies not covered by these regulations shall be determined on case to case basis where the Commission shall as far as possible be guided by the principles and methodologies if any specified by the CERC, National Electricity Policy and Tariff Policy while deciding on the terms and conditions of tariff for cogeneration and generation of electricity from renewable sources of energy. The Commission may deviate from the above by giving reasons in writing in order to accommodate the specific nature of renewable sources and technology used.

5. While determining the tariff the Commission has to the extent possible made an allowance based on technology, fuel, market risk and environmental benefits etc. of each type of renewable source
6. The tariff is based on normative parameters as per the norms specified in these Regulations for each type of source
7. Tariff being normative any shortfall or gain due to performance or other reasons is to be borne/retained by the generator and no true up of any parameter including additional capitalisation for whatsoever reasons shall be taken up during the validity of the tariff
8. Tariff in respect of a generating station under these regulations shall be applicable for the whole generating station

Provided that the tariff for supply of electricity from the plant having more than one unit commissioned in different years shall be based on weighted average of the capacities of the units commissioned in different years

9. The tariff for supply of electricity between the period of synchronisation and the commissioning of the unit shall be equal to the variable cost for bagasse/biomass/biogas based generation. However in case of hydro plants and other non conventional and renewable sources of energy based plants the tariff for supply of electricity between the period of synchronisation and the commissioning of the unit shall be equal to the 50 percent of the tariff

Note—Other Non conventional Sources of Energy shall include inter alia generation from wind, solar, municipal waste, industrial wastes including solid, semi solid, liquid and gaseous wastes and bio gas

13 Norms of Operation—

- (1) The norms of operation shall be as under, namely —

| | |
|---|------|
| (a) Normative PLF for recovery of full fixed charges | |
| (i) SHP Projects (upto 25 MW) | 45% |
| (ii) Bagasse based Co-generation Projects | 45% |
| (iii) Biomass Projects | 75% |
| (iv) Wind Projects | 20% |
| (b) Normative Auxiliary Consumption including transmission loss | |
| (i) SHP Projects (upto 25 MW) | 1% |
| (ii) Bagasse based Co-generation Projects | 8.5% |
| (iii) Biomass Projects | 10% |
| (iv) Wind Projects | 0.5% |
| (c) Normative Gross Station Heat Rate (GSHRn) in kCal/kWh | |
| (i) SHP Projects (upto 25 MW) | NA |
| (ii) Bagasse based Co-generation Projects | 3300 |
| (iii) Biomass Projects | 4200 |
| (iv) Wind Projects | NA |
| (d) Normative Calorific Value of Fuel, GCVn, (kCal/kg) | |
| (i) SHP Projects upto 25 MW | NA |
| (ii) Bagasse based Co-generation Projects | 2275 |
| (iii) Biomass Projects | 3300 |
| (iv) Wind Projects | NA |

(e) Normative Fuel Consumption, Qn, (kg/kWh)

| | |
|---|------|
| (i) SHP Projects (upto 25 MW) | NA |
| (ii) Bagasse based Co-generation Projects | 1.45 |
| (iii) Biomass Projects | 1.27 |
| (iv) Wind Projects | NA |

(f) Normative Fuel Price, Pb, (Rs /kg)

| | |
|---|----|
| (i) SHP Projects (upto 25 MW) | NA |
| (ii) Bagasse based co-generation Projects | |

The cost of fuel (Rs /kg) shall be taken as determined by using following formula for R ha d coal based p l head plant in the Northern Region on parameters approved by CER C

Cost of Fuel (Rs /kg)

$$P_b = \frac{(100 - AUC_c) * GCV_n * REC_c}{100 * GSHR_c}$$

Where

GSHR_c = GSHR (normative) for coal based plant (kCal/kWh)

REC_c = Rate of Energy Charges after AUC_c (ex bus in coal based plant (Rs /kWh)

AUC_c = Auxiliary Consumption normative in coal based plant %

GCV_n = Normative Gross Calorific Value of RE Fuel

| | |
|---------------------|----|
| (iii) Wind Projects | NA |
|---------------------|----|

19. Capital Cost--

- The normative capital cost Rs /Cr /MW including cost of transmission line and lays at receiver's end shall be as under for the projects/units commissioned --

| Field of Commercial Operation | Before 01.04.2007 | On or after 01.04.2007 |
|---|-------------------|------------------------|
| (i) SHP Projects upto 25 MW | 5.50 | 6.00 |
| (ii) Bagasse based Co-generation Projects | 3.50 | 3.75 |
| (iii) Biomass Projects | - | 4.25 |
| (iv) Wind Projects | - | 4.50 |

- No additional capitalisation shall be considered during the validity of tariff determined at normative parameters
- Capital subsidy shall not be reduced from the capital cost for depreciation purposes. However, the generator will have to carry out any renovation or replacement or additional capitalisation work through depreciation available to it

20 Debt-Equity Ratio--

- In case of all RE Projects debt-equity ratio as on the date of commercial operation shall be 70:30 for determination of tariff

Provided that subsidy available from MNRE shall be considered to have been utilized towards prepayment of debt leaving balance loan and 30% equity to be considered for determination of tariff

Provided further that it shall be assumed that the original repayments shall not be affected by this prepayment

Where,

Pb = Cost of RE Fuel in Rs./kg

Qn = Normative RE Fuel consumption in kg/kWh

and Auxn = Normative Auxiliary Consumption for RE Source Station

(4) The rate of energy charges (REC) in (Rs./kWh) shall be provisionally taken as under

| | |
|---|------|
| (i) SHP Projects (upto 25 MW) | NA |
| (ii) Bagasse based Co-generation Projects | 1.32 |
| (iii) Biomass Projects | 1.71 |
| (iv) Wind Projects | NA |

5. The rate of fuel charges shall be subject to Fuel Price Adjustment if REC calculated as per formula given earlier is different from the above provisional rate on the basis of actual REC including FPA. Fany for R hand li station for a particular month

30. Life and Agreement period--

1. The life and PPA period of wind/biomass/bagasse projects shall be 20 years. For SHPs, however the life shall be 15 years and PPA period as 30 years. After the expiry of PPA period first right of purchase shall be that of distribution licensee

31. Levelised RFC--

1. The levelised RFC (Rs./kWh) shall be worked out by levelling the Rate of Fixed Charge for each year during the life of the project
Provided that Commission may suitably round off the tariff for plants with different capacities to multiple of 5 paise

(2) The rate of discounting taken for levelling shall be 11.1%

(3) The levelised RFC worked out accordingly is given in Schedule 1

(4) The tariff and other terms for small plants selling power to distribution licensee shall be same as those applicable to SHPs under these Regulations

Provided that any subsidy/ incentive available to such plants from the State Government shall be allowed to be retained by it

5. The tariff and other terms for biogas plants shall be same as those applicable to biomass based plants

32. Incentive for generation beyond normative PLF--

The tariff for generation beyond normative PLF when entire fixed cost has been recovered shall be allowed to be recovered at the normal tariff given in Schedule 1

33. Deviation from norms--

(1) Tariff for sale of electricity by a generating company may also be determined by the Commission on deviation of the norms specified in these regulations subject to the conditions that

(a) the overall per unit tariff of electricity over the entire life of the asset calculated on the basis of the norms in deviation does not exceed the per unit tariff calculated on the basis of the norms specified in these regulations.

(b) in genuine and deserving cases the Commission may relax above condition to the extent deemed appropriate by the Commission, and

(c) any such deviation shall come into effect only after approval by the Commission

34. Applicability of ABT to RE Sources--

Since RE Sources are dependent on vagaries of nature and are of small capacities, the ABT regime as and when introduced by Commission shall not be applicable to supply of power from such sources

35. Merit Order Dispatch--

All RE Sources shall be exempted from merit order dispatch principle and their energy shall be purchased by Distribution Licensee at all times for maximum utilization of these sources.

36. CDM benefits--

RE Sources selling power to Distribution Licensee shall be allowed to retain the entire benefit received, if any, from CDM credits.

37. Rebate--

For payment of bills through the letter of credit on presentation, a rebate of 2% shall be allowed. If the payments are made by a mode other than through the letter of credit but within a period of one month of presentation of bills by the generating company, a rebate of 1% shall be allowed.

38. Late Payment Surcharge--

In case the payment of bills is delayed beyond a period of 1 month from the date of billing, a late payment surcharge at the rate of 1.25% per month shall be levied by the generating company.

CHAPTER 5**OTHER TERMS AND CONDITIONS****39. Transmission Charges, Wheeling Charges and Losses--**

- (1) The plant seeking non-discriminatory 'open access' to the State and/or Inter-state Transmission Systems and/or intervening transmission facility and/or distribution system for carrying the electricity generated by the plant to the destination of use, the transmission charges and wheeling charges, as determined by the Appropriate Commission, shall be paid by the licensee or consumer importing electricity for his use.

- (2) The Transmission Charges for use of State Transmission System (i.e. either injection or drawal or both are at voltages above 33 kV) for open access shall be payable in kind @ 5% of energy injected irrespective of point of injection and drawal (i.e. irrespective of distance and voltage level). In addition, Wheeling Charges for use of Distribution System shall also be payable in kind @ 5% of energy injected irrespective of distance and voltage, if Distribution System is also being used (i.e. either injection or drawal or both are at voltages below and upto 33 kV).

Provided that no Transmission and Wheeling Charges are payable for sale of electricity to licensee or to local rural grid.

- (3) In addition to Transmission and Wheeling Charges, the losses in the intervening Transmission and Distribution System shall be payable in kind at the following %ages of energy injected depending upon voltage level of injection and drawal point as follows --

Point of Drawal

| Point of injection | Below 33 kV | At and above 33 kV |
|--------------------|-------------|--------------------|
| Below 33 kV | 15% | 10% |
| At and above 33 kV | 10% | 5% |

Provided that no losses are payable for sale of electricity to licensee or to local rural grid.

40. Surcharge and Additional Surcharge--

- (1) No cross-subsidy surcharge shall be payable for open access by a person, having established a generating plant, if he seeks open access for the transmission/wheeling of electricity from his Plant to a destination for consumption of power for his own use.
- (2) Additional surcharge shall, however, be payable by all consumers availing open access at the rate equivalent to demand charges for the relevant consumer category for balance of the lock-in period, if any, in the Contract/Agreement with the Distribution Licensee.

- (3) Cross-subsidy surcharge shall be payable by the consumer within the State, who has been allowed Open Access and gets supply from any source (except captive source) within or outside the State at the rates determined by Commission from time to time according to the formula given in the Tariff Policy. For the year 2007-08 and 2008-09, the cross-subsidy surcharge shall be zero.

41. Purchase of Electricity by the Plant/Start up Power--

- (1) Any person, who establishes, maintains and operates a generating plant and normally does not need power from the licensee round the year, may purchase electricity from a generating company or a distribution licensee in case his plant is not in a position to generate electricity to meet the requirement of his own use or for start up and consequently power is required to be drawn from distribution licensee :

Provided that such purchase of electricity, from a distribution licensee, shall be charged as per the tariff determined by the Commission for temporary supply under appropriate 'Rate Schedule of tariff' under which the total load requirement of the plant shall belong to

Provided also that in case of purchase of power through a trader or a generating company, rate shall be as mutually agreed however, transmission and wheeling charges shall be payable as determined by the Commission.

42. Evacuation of Power--

- (1) The generating plant shall supply power to the Distribution Licensee of its area through a line terminating at the nearest Substation as per the voltage and capacity as given below :--

- (i) upto 100 kW on LT,
- (ii) above 100 kW and upto 1 MW on 11 kV,
- (iii) above 1 MW and upto 10 MW on 33 kV,
- (iv) above 10 MW on 132 kV or above :

Provided that in case of existing plants, the connectivity shall be the same as existing on the date of these regulations coming into effect :

Provided also that in case of plants where the scheme for connectivity has already been approved and the same are commissioned after the date of these regulations coming into effect, the connectivity as per that approved scheme shall be allowed :

Provided further that in case of generation from non-conventional energy sources other than bagasse based cogeneration like wind, solar, hydro, municipal waste, industrial wastes (including solid, semi solid, liquid and gaseous wastes) and bio gas, the Commission may allow evacuation of power at 11 kV

- (2) The cost of laying the transmission line to the sub-station, the required bay, terminal equipments and associated synchronization equipment, shall be borne by the generating plant and such work shall be undertaken under the supervision of the Licensee of the area in which the plant is located. The same has been factored in for tariff calculations also. Supervision charges shall, however, not be more than 15% of labour cost :

Provided also that the construction of the power evacuation system for transmission at 132 kV or higher voltage shall be carried out under the supervision of the State Transmission Utility

Provided further that the land for extending the bay shall be provided by the owner of the sub-station free of cost :

In case the generating company elects to get the dedicated transmission line constructed by other than STU/Distribution Licensee, the supervision charges shall be payable to distribution licensee or STU, as the case may be.

43. Maintenance of Transmission lines and Equipment--

- (1) The generating plant shall be responsible for the maintenance of terminal equipment at the generating end and the dedicated transmission lines. However, distribution licensees or STU, as the case may be, shall carry maintenance of the dedicated transmission line if so desired by the generating company on mutually agreed charges not less than O&M charges as per norms specified in these regulations

- (2) The Distribution Licensee or the Transmission Licensee or the State Transmission Utility, as the case may be, shall be responsible for maintenance of the terminal equipment(s) at the sub-station of the concerned licensee. The operation and maintenance cost shall be considered as pass through by the Commission while determining the wheeling and transmission charges of the concerned licensee or State Transmission Utility, as the case may be.
- (3) In case the generating company agrees to sell power to distribution licensee for entire life of the project, then no maintenance charges shall be payable for maintenance of line by distribution/transmission licensee.

44. Metering Arrangement--

- (1) The Generating Plant shall provide ABT compatible Special Energy Meters at the point of injection and point of drawl and shall comply with all metering requirements as notified by the State Transmission Utility.

45. Energy Accounting and Billing--

- (1) The State Load Dispatch Centre shall do energy accounting and billing and the same shall be communicated to the utilities interacting with the grid as per the scheme framed by SLDC in pursuance of the provisions of State Grid Code.

Provided that in case of sale to the distribution licensee of the area, the power purchase agreement may provide for joint metering and in such cases, energy accounting and billing shall be done by the generating plant in association with the concerned distribution licensee.

46. Banking of Power--

- (1) The Generating Plants shall be allowed to bank power within a period of one calendar month, for the purpose of withdrawal of the banked power in the event of emergency or shut down or maintenance of the plant, subject to following conditions --
 - (a) Banking of energy upto 100%, as agreed between the plant and the Distribution Licensee, shall be allowed during the period 17:00 Hrs. to 22:00 hrs. (specified as peak hours for this purpose).
 - (b) Withdrawal of power shall be allowed only during the period other than 17:00 Hrs. to 22:00 Hrs.
 - (c) The plants shall provide ABT compliant Special Energy Meters and the monthly settlement of energy sales shall be done based on Power supplied during the peak hours as per SEM meter readings shall be considered as banked power and monthly settlement shall be done for the balance energy supplied by the plant at the rate specified for supply of electricity to Distribution Licensee.
 - (d) Upon introduction of intra-state ABT in the State, the banking as well as withdrawal of banked energy shall be subject to day ahead scheduling.
 - (e) The power withdrawn by the plant as ascertained by SEM readings, which could not be considered as withdrawal from banked power, shall be considered as power purchased by the plant.
 - (f) The purchase of power by these plants under clause (e) or otherwise shall be charged for the maximum-recorded demand and the energy at rate specified in the Schedule of retail Tariff corresponding to the declared load by the generator. No minimum consumption guarantee or other charges shall be levied on such generators. Excess load over and above the declared load shall be billed according to the provision of the relevant Schedule of Tariff specified by the Commission. This shall apply only to those generators who have commissioned the supply of power under the PPA with the licensee.
 - (g) A Generating Plant shall be allowed to withdraw power that was banked during a particular financial year in the same year or during the following financial year.
 - (h) The banked power remaining unutilized on the expiry of the following financial year would be treated as sale and the financial settlement shall be made at the scheduled tariff for the year during which the power was banked. No banking charges shall be deducted from such unutilized banked energy.
 - (i) Banking charges shall be 12.5% of the energy banked.

CHAPTER 6
MISCELLANEOUS

47. Savings--

Nothing in these regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

48. Power to Remove Difficulties--

If any difficulty arises in giving effect to these regulations, the Commission may, of its own motion or otherwise, by an order and after giving a reasonable opportunity to those likely to be affected by such order, make such provisions, not inconsistent with these regulations, as may appear to be necessary for removing the difficulty.

49. Power to Relax--

The Commission, for reasons to be recorded in writing, may vary any of the provisions of these regulations on its own motion or on an application made before it by an interested person.

SCHEDULE-1

The levelised Rate of Fixed Charges (RFC) in Rs /kWh for RE sources selling power to Distribution Licensee in the State shall be as follows :-

| | | |
|--|------|------|
| (a) Projects commissioned before 01.04.2007 : | | |
| (i) SHP (upto 25 MW) & Solar Projects | | |
| Upto 5 MW | 2.55 | |
| 5 to 10 MW | 2.55 | |
| 10 to 15 MW | 2.50 | |
| 15 to 20 MW | 2.45 | |
| 20 to 25 MW | 2.40 | |
| (ii) Bagasse based co-generation Projects | | 1.80 |
| (b) Projects commissioned on or after 01.04.2007 : | | |
| (i) SHP/Solar Projects (upto 25 MW) | | |
| Upto 5 MW | 2.80 | |
| 5 to 10 MW | 2.80 | |
| 10 to 15 MW | 2.75 | |
| 15 to 20 MW | 2.70 | |
| 20 to 25 MW | 2.65 | |
| (ii) Bagasse based Co-generation Projects | | 1.90 |
| (iii) Biomass/Biogas Projects | | 1.35 |
| (iv) Wind Projects | | 3.90 |

By Order of the Commission,

PANKAJ PRAKASH

Secretary,

Uttarakhand Electricity Regulatory Commission